IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 20012 of 2006(G)

OS.278/2005 of PRL.SUB COURT,IRINJALAKUDA

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PETITIONER:

K.RAMAN, AGED 69, S/O.RAVUNNI MENON,
KOLLERI HOUSE, PALLIYARA DESOM, THRIKKOOR VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. **THE AMBALLUR SERVICE CO-OPERATIVE**
   BANK NO.503, MANNUMPETTA DESOM, AMBALLUR VILLAGE,
   MUKUNDAPURAM TALUK, REP. BY ITS PRESIDENT
   C.D.SAJEEVAN, S/O.CHERPUKARAN DAMODARAN,
   AMBALLUR VILLAGE, MUKUNDAPURAM TALUK.

2. **THE AMBALLUR SERVICE CO-OP.BANK,**
   REP. BY ITS SECRETARY, MANNUMPETTA DESOM,
   AMBALLUR VILLAGE, MUKUNDAPURAM TALUK.

3. **LONAPPAN, S/O.ANTHONY,**
   PAYYAKKARA DESOM, AMBALLUR VILLAGE,
   MUKUNDAPURAM TALUK, FORMER PRESIDENT,
   AMBALLUR SERVICE CO-OP.BANK NO.503.

4. **THANKAMANI, W/O.MUKUNDAN MENON,**
   KOLLERI HOUSE, MANNUMPETTA DESOM,
   AMBALLUR VILLAGE, MUKUNDAPURAM TALUK.

BY ADV. SRI.P.C.SASIDHARAN
SRI.E.S.ASHRAF

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.20012/2006 G

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE PLAINT IN O.S.NO.278/05 BEFORE THE SUB COURT, IRINJALAKUDA DTD. 25/06/06.**

EXT.P2: **COPY OF THE DOCUMENT NO.736/01 OF THE NELLAYI S R O DTD. 7/02/01.**

EXT.P3: **COPY OF THE DOCUMENT NO.737/01 OF THE NELLAYI S R O DTD. 7/02/01.**

EXT.P4: **COPY OF THE PLAINT ISSUED BY THE ASSISTANT REGISTRAR CO-OP.SOCIETY, MUKUNDAPURAM TALUK DTD. 31/01/06.**

EXT.P5: **COPY OF THE SUMMONS IN THE ARBITRATION PROCEEDINGS ISSUED BY THE JOINT REGISTRAR MUKUNDAPURAM TALUK DTD. 6/07/2006.**

/TRUE COPY/

KSS

PIUS C. KURIAKOSE,J.

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W.P.(C) No.20012 of 2006

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Dated: 28th June, 2007

JUDGMENT

This Writ Petition has been filed by the petitioner who has filed an Original Suit arraying the 1st respondent-Co-operative Bank inter alia for the relief that the Bank is not entitled to recover the apparent liabilities on the basis of certain documents executed by the petitioner in favour of the Bank. The prayer in the Writ Petition is to have an early disposal of that suit.

2. A detailed counter affidavit has been filed by the 1st respondent-Bank wherein it is contended that the suit will not be maintainable in view of Section 100 of the Co-operative Societies Act. The above contention I must notice is attractive. Under these circumstances, the Writ Petition will stand disposed of issuing the following directions:

The Sub Court, Irinjalakuda will formulate an issue regarding the maintainability of the suit (if the same is not already formulated) in the context of the bar under Section 100 of the Co-operative Societies Act and hear the parties on that issue and take an early decision. Decision as directed above shall be taken by the court at the earliest and at any rate within one month of receiving copy of this

judgment. Considering the above direction, the interim order of stay/direction presently granted will continue for a period of six more weeks from today.

srd **PIUS C.KURIAKOSE, JUDGE**